

1 THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

3 HONORABLE JANIS L. SAMMARTINO  
4 UNITED STATES DISTRICT JUDGE PRESIDING

5 -----  
6 UNITED STATES OF AMERICA, ) OCTOBER 13, 2015  
7 )  
8 PLAINTIFF, )  
9 )  
10 VS. ) NO. 13-CR-2297-JLS  
11 )  
12 TONY LEE MCLEOD, )  
13 ) SENTENCING HEARING  
14 )  
15 DEFENDANT. )  
16 -----

17  
18 FOR THE PLAINTIFF: CHARLOTTE E. KAISER  
19 U.S. ATTORNEY'S OFFICE  
20 SOUTHERN DIST. OF CALIFORNIA  
21 CRIMINAL DIVISION  
22 880 FRONT STREET, SUITE 6293  
23 SAN DIEGO, CA 92101

24  
25 FOR THE DEFENDANT: LEILA W. MORGAN  
MICHELLE BETANCOURT  
FEDERAL DEFENDERS OF SAN DIEGO  
225 BROADWAY, SUITE 900  
SAN DIEGO, CA 92101-5008

THE COURT REPORTER: GAYLE WAKEFIELD, RPR, CRR

1           OCTOBER 13, 2015

2                           MORNING SESSION

3                   THE CLERK:   NUMBER ONE ON THE CALENDAR, 13-CR-2297,  
4           UNITED STATES VS. TONY LEE MCLEOD, FOR SENTENCING.

5                   MS. MORGAN:   GOOD MORNING, YOUR HONOR, LEILA MORGAN AND  
6           MICHELLE BETANCOURT, FEDERAL DEFENDERS, ON BEHALF OF MR.  
7           MCLEOD.   HE'S IN CUSTODY, AND HOPEFULLY SOMEBODY HAS AN UPDATE  
8           ON --

9                   MS. KAISER:   GOOD MORNING, YOUR HONOR, CHARLOTTE KAISER  
10          ON BEHALF OF THE UNITED STATES.

11                  THE COURT:   THE UPDATE IS THIS, THAT MR. MCLEOD IS IN  
12          THE EMERGENCY ROOM WITH FACIAL INJURIES.   I DON'T KNOW EXACTLY  
13          WHAT TIME THAT HAPPENED, SO HE'S NOT EN ROUTE TO THE COURT.

14                  MS. MORGAN:   I CAN ATTEST THAT IT HAPPENED AT SOME  
15          POINT AFTER 5:00 LAST NIGHT.

16                  THE COURT:   BECAUSE YOU SAW HIM AT THAT TIME.

17                  MS. MORGAN:   I SAW HIM YESTERDAY BETWEEN 3 AND 5.   I  
18          LEFT AT 5, AND HE WAS FINE.   I UNDERSTAND THAT HE MADE A PHONE  
19          CALL AT ABOUT 7:30 LAST NIGHT AND WAS FINE, SO SOMETIME BETWEEN  
20          7:30 AND THIS MORNING.

21                  THE COURT:   I'VE TOLD YOU EVERYTHING I KNOW.   SO HE'S  
22          NOT COMING THIS MORNING.   WHAT I WOULD SUGGEST WE DO IS THIS,  
23          WE -- FOR A CASE THAT TOOK EIGHT DAYS TO TRY, I PROBABLY TOOK  
24          AS MUCH TIME GOING THROUGH THE MATERIAL THAT'S BEEN PRESENTED  
25          THUS FAR.   IT'S VOLUMINOUS.   IT'S IMPORTANT.   IT'S SIGNIFICANT

1           IN EVERY RESPECT. I UNDERSTAND WE HAVE NUMEROUS PEOPLE HERE  
2           WHO WANTED TO SPEAK AND ADDRESS THE COURT, WHICH IS APPROPRIATE  
3           AND, OF COURSE, WAS GOING TO BE PERMITTED.

4           LATE THIS WEEKEND, I DON'T KNOW WHAT TIME I GOT THEM ON  
5           YESTERDAY, YOU'RE MAKING A MOTION FOR SOME THINGS, AND I WAS  
6           HOPING THAT BETWEEN NOW AND WHENEVER WE PUT THIS OVER TO YOU  
7           COULD FILE UNDER SEAL SOMETHING SO THAT I WOULD KNOW WHAT WE  
8           ARE REALLY TALKING ABOUT BECAUSE I CANNOT TELL FROM YOUR  
9           PAPERWORK, MA'AM, BUT IT'S CLEAR THAT WE'RE NOT GOING FORWARD  
10          TODAY, WHICH IS EXTRAORDINARILY UNFORTUNATE GIVEN ALL THE  
11          PEOPLE THAT ARE HERE IN THE COURTROOM TODAY.

12          I SEE DR. KALISH. I ASSUME DR. CLIPSON IS HERE.

13          MS. MORGAN: YES. YOUR HONOR, I'M HAPPY TO -- I FILED  
14          THAT MOTION SATURDAY MORNING EARLY BASICALLY BECAUSE THE ISSUE  
15          AROSE AT ABOUT 5:30 FRIDAY NIGHT, AND I HAD NO OTHER WAY TO  
16          ALERT THE COURT THAT THERE WAS THIS ISSUE. I'M HAPPY TO FILE  
17          EX PARTE EXACTLY WHAT IT IS, AND MAYBE WE CAN -- I HAVE A  
18          SOLUTION TO THE ISSUE THAT DOESN'T REQUIRE -- WOULDN'T REQUIRE  
19          AN EXTENDED CONTINUANCE OR ANYTHING LIKE THAT OF THE CASE, BUT  
20          WOULD COVER ALL THE ETHICAL BASES, IF THE COURT WOULD PERMIT  
21          ME.

22          THE COURT: WELL, I HAVE AN AWFUL LOT OF QUESTIONS, AND  
23          I DON'T KNOW WHAT AUTHORITY YOU'RE RELYING ON FOR WHAT YOU'RE  
24          PROPOSING TO DO.

25          MS. MORGAN: IT'S SPECIFIC TO THE CONFLICT ISSUE, YOUR

1 HONOR.

2 THE COURT: WELL, I UNDERSTAND THAT, MA'AM, BUT THERE'S  
3 STILL AUTHORITY THAT NEEDS TO BE FOLLOWED.

4 MS. MORGAN: I'M HAPPY TO FILE THAT UNDER SEAL THEN.

5 THE COURT: I THINK THAT MIGHT BE BETTER, MS. MORGAN.

6 MS. MORGAN: THAT'S FINE.

7 MS. KAISER: UNDER SEAL AND EX PARTE OR JUST UNDER  
8 SEAL?

9 MS. MORGAN: THE PROBLEM IS THAT IN ADDRESSING THIS  
10 ISSUE WITH THE COURT, I'M CONCERNED THAT I MAY HAVE TO REVEAL  
11 CONFIDENTIAL CLIENT INFORMATION IN ORDER TO MAKE THE COURT  
12 AWARE OF WHAT THE ETHICAL PROBLEMS ARE. I THINK EX PARTE UNDER  
13 SEAL WOULD BE BETTER. THAT'S GENERALLY HOW CONFLICT ISSUES ARE  
14 HANDLED. THE GOVERNMENT ISN'T A PARTY TO THIS.

15 THE COURT: DID MS. KAISER KNOW ANY OF THIS BEFORE YOU  
16 FILED YOUR MOTION?

17 MS. KAISER: I SAW IT SATURDAY MORNING --

18 MS. MORGAN: I EMAILED HER SATURDAY MORNING AS I FILED  
19 THE MOTION.

20 MS. KAISER: -- AND I JUST COMMUNICATED WITH HER AND  
21 ASKED HER IF WE SHOULD CALL OFF OUR WITNESSES, AND WE HAD  
22 DISCUSSED -- SHE INDICATED THE WITNESSES WERE STILL COMING ON  
23 HER END, SO I DIDN'T -- NOT KNOWING I --

24 MS. MORGAN: I DIDN'T WANT TO PRESUME TO SAY WE SHOULD  
25 CALL EVERYBODY OFF BECAUSE THE COURT HADN'T HAD AN OPPORTUNITY

1 TO WEIGH IN, AND I WASN'T SURE -- THERE'S MULTIPLE SOLUTIONS TO  
2 THIS ISSUE, SOME OF WHICH WOULD ALLOW SENTENCING TO GO FORWARD  
3 TODAY. KNOWING HOW MUCH WE HAD FILED, AND HOW MUCH WORK THE  
4 COURT HAD PUT IN, I DIDN'T WANT TO SHOW UP HERE PRESUMING THAT  
5 THE COURT WOULDN'T GO FORWARD. I DIDN'T THINK THAT WAS  
6 APPROPRIATE.

7 THE COURT: I THINK MAYBE WE NEED TO SLOW TO THE POINT  
8 WHERE WE RESOLVE THIS ISSUE AND NOT BRING THESE INDIVIDUALS,  
9 BOTH THE PROFESSIONAL INDIVIDUALS AND, MOST SIGNIFICANTLY, THE  
10 VICTIMS IN THIS CASE FORWARD ON ANOTHER BASIS WHEN WE'RE NOT  
11 GOING TO GO FORWARD POSSIBLY. POSSIBLY, AND I DON'T KNOW  
12 BECAUSE I CAN'T REALLY TELL MUCH BASED ON WHAT YOU'VE DONE. I  
13 UNDERSTAND WHY YOU DID IT THAT WAY, MS. MORGAN, AND I'M NOT  
14 BEING CRITICAL IN SAYING THAT, BUT I WOULD LIKE TO GET  
15 SOMETHING IN WRITING SO I COULD HAVE SOME CONTEMPLATIVE TIME  
16 WITH IT.

17 MS. BETANCOURT: YOUR HONOR, WE COULD FILE TODAY A  
18 DECLARATION OUTLINING WHAT EXACTLY IT IS SO THE COURT  
19 UNDERSTANDS WHERE WE'RE COMING FROM AND WHAT OUR PROPOSED  
20 SOLUTION WOULD BE. WE'VE DONE IT IN ANOTHER -- I THINK THE  
21 REQUEST WAS FOR JUST APPOINTMENT OF COUNSEL JUST AS TO ONE  
22 SPECIFIC ISSUE TO SEE IF, IN FACT --

23 THE COURT: HERE'S MY CONCERN, AND YOU MAY HAVE DONE IT  
24 IN OTHER CASES, CAN YOU REALLY WALL YOURSELF OFF FROM A  
25 CONFLICT AND KIND OF BUNDLE YOURSELF IN THAT FASHION? THAT'S

1 THE CHALLENGE I THINK YOU HAVE, AND I'M NOT SURE YOU CAN.

2 MS. MORGAN: WELL, I THINK THAT THERE'S A VERY STRONG  
3 LIKELIHOOD THAT THE INDEPENDENT COUNSEL, AFTER MEETING WITH THE  
4 APPROPRIATE PEOPLE, THE GOVERNMENT AND MR. MCLEOD, COULD  
5 REASONABLY SAY THIS CAN NEVER RIPEN INTO AN ACTUAL CONFLICT,  
6 BUT THAT'S NOT A CONVERSATION I CAN HAVE WITH EITHER MS. KAISER  
7 OR MR. MCLEOD WITHOUT VIOLATING MY ETHICAL DUTIES, BUT I'LL LAY  
8 IT OUT IN A DECLARATION, AND I THINK THAT WILL HELP THE COURT  
9 UNDERSTAND WHERE WE'RE COMING FROM.

10 MS. KAISER: YOUR HONOR, JUST SO WE'RE CLEAR HERE, I  
11 DON'T KNOW ANYTHING FURTHER THAN WHAT THE COURT KNOWS HERE, BUT  
12 OBVIOUSLY, WHILE THE COURT MAY MAKE ITS OWN ANALYSIS ABOUT  
13 WHAT'S A CONFLICT OR NOT, I CERTAINLY WOULD HAVE TO CONSULT ON  
14 OUR END AS WELL.

15 THE COURT: OH, ABSOLUTELY YOU WOULD, COUNSEL, AND I  
16 GUESS THE INITIAL THOUGHT I HAD IS WHY ISN'T THIS A 35(B)? WE  
17 ARE WHERE WE ARE.

18 MS. MORGAN: THAT'S AN ADDITIONAL PROPOSED SOLUTION  
19 WHERE THIS WOULD JUST GET HANDLED --

20 THE COURT: THAT'S ALWAYS A PROPOSED SOLUTION, AND WE  
21 PROCEED WITH SENTENCING. I KNOW WE CAN'T TODAY BECAUSE MR.  
22 MCLEOD'S NOT PRESENT, BUT THAT'S ALWAYS AN OPTION.

23 MS. MORGAN: ABSOLUTELY. I THINK MY CONCERN WAS AS  
24 SOON AS THIS ETHICAL ISSUE AROSE, I BELIEVE THAT I AM ETHICALLY  
25 REQUIRED TO ALERT THE COURT. I CAN'T IGNORE IT.

1           THE COURT: NO, NO, YOU DID THE RIGHT THING, COUNSEL,  
2 UNDERSTOOD. SO YOU DISCUSSED 35(B) AND WILL TAKE ME THROUGH  
3 THE ALTERNATIVES AS YOU SEE THEM.

4           MS. MORGAN: YES.

5           THE COURT: THAT WILL BE FILED UNDER SEAL. TO THE  
6 EXTENT YOU CAN REDACT IT AND SHARE IT WITH MS. KAISER, BECAUSE  
7 SHE'S GOT SOME ISSUES TOO WITH REGARD TO THIS.

8           MS. MORGAN: RIGHT.

9           THE COURT: SO I THINK WE HAVE A LITTLE BIT MORE WORK  
10 TO DO ON THIS BEFORE WE GET READY FOR SENTENCING -- BEFORE WE  
11 HAVE SENTENCING.

12           MS. MORGAN: I THINK, LIKE MS. BETANCOURT STATED, WE  
13 CAN FILE BY CLOSE OF BUSINESS TODAY AND MAYBE -- I UNDERSTAND  
14 THE COURT HAS A NORMAL CALENDAR -- DO YOU HAVE A CALENDAR THIS  
15 FRIDAY? MAYBE WE CAN HASH IT OUT THEN AND THEN HAVE A NEW DATE  
16 FOR SENTENCING, UNLESS THAT'S JAMMING UP THE COURT AND MOVING  
17 TOO FAST.

18           MS. KAISER: I TENTATIVELY HAVE A FOREIGN DEPOSITION.  
19 IT MAY GET CANCELED.

20           MS. MORGAN: I'M AMENABLE TO WHATEVER DATE. I JUST  
21 KNOW THAT FROM THE DISCUSSIONS I'VE HAD PREVIOUSLY WITH MS.  
22 KAISER, EVERYONE IS DESIROUS TO HAVE THIS PROCEED AS  
23 EXPEDITIOUSLY AS POSSIBLE BECAUSE OF ALL THE OTHER PERSONS  
24 INVOLVED, SO WE'LL FILE TODAY AND THE COURT CAN TELL US WHEN WE  
25 WANT TO TALK ABOUT IT.

1           THE COURT:   MS. KAISER, DO YOU WANT TO SAY ANYTHING?  
2           THIS FRIDAY ISN'T GOOD FOR YOU, WHICH WOULD BE THE 16TH.   I  
3           MEAN, WE COULD DO IT ON THE 23RD.   WE COULD DO IT ON THE 30TH.  
4           I'M IN TRIAL STARTING THE 19TH.

5           MS. KAISER:   WELL, YOUR HONOR, I SHOULD KNOW BY 11:00  
6           TOMORROW WHETHER THIS FOREIGN DEPOSITION IN MEXICO ON FRIDAY IS  
7           GOING TO GO FORWARD OR NOT.   IT'S ALSO WITH FEDERAL DEFENDERS,  
8           AND THEY BELIEVE THAT THEIR WITNESS IS NOT GOING TO SHOW UP,  
9           BUT JUST BECAUSE IT'S A DEPOSITION IN MEXICO, WE SAID LET'S  
10          JUST GIVE IT THE WEEKEND AND SEE IF THE WITNESS HAS  
11          RECONSIDERED ON THE DEFENSE SIDE, AND WE HAVE UNTIL 10:00  
12          TOMORROW TO CONFIRM.   IF CIRCUMSTANCES HAVE NOT CHANGED, I WILL  
13          BE PRESENT IN THE DISTRICT ON FRIDAY.

14          THE COURT:   DO YOU THINK YOU'LL HAVE SUFFICIENT TIME TO  
15          PROCEED WITH THIS?   AGAIN, I APPRECIATE WHAT YOU'RE SAYING.   I  
16          TRULY DON'T KNOW IF THE COURT WILL BE PREPARED UNTIL I SEE WHAT  
17          MS. MORGAN HAS FOR US.

18          (DISCUSSION HELD OFF THE RECORD.)

19          MS. BETANCOURT:   YOUR HONOR, WE MIGHT EVEN BE ABLE TO  
20          -- I THINK WHEN THE COURT HAS MORE INFORMATION I THINK IT'S  
21          GOING TO BE A FAIRLY QUICK INQUIRY FOR THE COURT FROM US FOR  
22          ANY FURTHER INFORMATION.   THE LAST THING MR. MCLEOD WANTS IS US  
23          OFF THE CASE.   I THINK THERE WAS JUST SOME, LIKE MS. MORGAN WAS  
24          SAYING, THIS ONE ETHICAL QUESTION THAT CAME UP.   MAYBE WE COULD  
25          DO IT ON AN OFF DAY ON THURSDAY?   I DON'T KNOW IF THE COURT HAS



1 TRIAL THIS WEEK.

2 THE COURT: NO, I DON'T HAVE TRIAL THIS WEEK.

3 MS. KAISER: I GUESS I DON'T DISCOUNT MY -- DEFENSE  
4 COUNSEL'S REPRESENTATIONS, BUT AGAIN, IF THERE'S SOME ISSUE  
5 ABOUT CONFLICT, WE ALSO HAVE TO JUST TAKE A LOOK ON OUR END AS  
6 WELL, AND I DON'T KNOW IF IT MEANS WE HAVE TO DO FURTHER  
7 CONSULTATIONS OR IT MIGHT BE VERY QUICK AS WELL. BUT THE THING  
8 IS I DON'T KNOW IF IT RAISES ETHICAL OBLIGATIONS ON OUR END, I  
9 DON'T KNOW, SO I JUST WOULD HAVE TO --

10 MS. BETANCOURT: I GUESS THE OTHER CONCERN PUTTING IT  
11 ON THURSDAY, YOUR HONOR, WE DON'T KNOW IF MR. MCLEOD WILL BE  
12 AVAILABLE.

13 THE COURT: WELL, THAT'S THE OTHER THING.

14 MS. BETANCOURT: WE COULD TRY TO SET IT AND SEE IF HE'S  
15 HERE, BUT I DON'T KNOW WHAT THE COURT WANTS TO DO.

16 THE COURT: I'M GOING TO SAY WE SET IT ON THE 23RD,  
17 JUST FOR THIS, AND THAT GIVES US A LITTLE MORE TIME. YOU NEED  
18 TO CHECK WITH YOUR CLIENT. WE'LL SEE WHERE WE ARE.

19 THIS WILL NOT BE SENTENCING. FOR ALL OF YOU WHO ARE  
20 HERE WATCHING AND WANTING TO ATTEND THE SENTENCING OF IT, THAT  
21 WILL NOT BE SENTENCING, IT WILL JUST BE RESOLUTION ON THIS  
22 ISSUE THAT'S BEING RAISED, AND THEN WE WOULD SET THE SENTENCING  
23 ON THAT DAY HOPEFULLY.

24 AND THAT GIVES YOU TIME, MS. MORGAN, IT GIVES YOU TIME  
25 TO RESPOND. IT GIVES THE COURT, MORE IMPORTANTLY, ON

1 SENTENCING MATTERS AND AS AN IMPORTANT ISSUE THAT INVOLVES  
2 CONFLICT, IT GIVES THE COURT SOME TIME TO TAKE A LOOK AT IT.

3 MS. KAISER: WE WOULD JUST ASK, IF POSSIBLE, IF WE  
4 COULD HAVE A REDACTED VERSION OR AS MUCH INFORMATION --

5 THE COURT: I WOULD APPRECIATE THAT BECAUSE WE DON'T  
6 WANT TO GET TO A HEARING AND COUNSEL TO SAY SHE DIDN'T FULLY  
7 UNDERSTAND AND NEEDS AN OPPORTUNITY TO CONFER WITH SOMEBODY IN  
8 HER OFFICE. YOU CAN APPRECIATE THAT.

9 MS. BETANCOURT: ABSOLUTELY, YOUR HONOR. ONCE THE  
10 COURT GETS THE FULL, THE COURT WILL UNDERSTAND WHY WE'RE SAYING  
11 THAT IT'S NOT SUCH A -- FOR ALL PARTIES.

12 MS. MORGAN: WHATEVER WE RUN UP THE CHAIN -- WHATEVER  
13 WE FILE, I WILL DISCUSS WITH FOLKS IN OUR OFFICE AND GIVE MS.  
14 KAISER AS MUCH INFORMATION AS WE CAN WITHOUT VIOLATING ANY  
15 ETHICAL OBLIGATIONS TO ANYONE. IN LIGHT OF THAT, WOULD FILING  
16 BY CLOSE OF BUSINESS TOMORROW BE OKAY?

17 MS. KAISER: AS LONG AS THE COURT'S FINE WITH THAT, I  
18 HAVE NO OBJECTION TO THAT.

19 THE COURT: I'M FINE WITH THAT ALSO. YOU DON'T KNOW  
20 WHETHER YOU'RE GOING TO BE IN OR OUT ON FRIDAY, DEPENDING ON  
21 THE DEPOSITION, SO WE'LL PUT IT OVER TO THE FOLLOWING FRIDAY  
22 AND SEE WHERE WE ARE AT THAT POINT.

23 I'LL LOOK FORWARD TO GETTING SOMETHING. IF YOU WANT TO  
24 FILE SOMETHING, IN LIGHT OF WHATEVER THEY DO, YOU CERTAINLY  
25 MAY, OF COURSE.

1 MS. KAISER: YOUR HONOR, I HOPE TO, AS SOON AS I GET  
2 IT, TAKE A LOOK, AND IF WE'RE NOT -- EITHER WAY, I WILL TRY AND  
3 GIVE THE COURT A HEAD'S UP SOMEHOW.

4 THE COURT: OKAY. YOU'LL EACH SPEAK WITH EVERYBODY WHO  
5 IS HERE ON YOUR RESPECTIVE BEHALVES?

6 MS. MORGAN: ABSOLUTELY.

7 THE COURT: ANYTHING ELSE, MS. KAISER, MS. MORGAN, MS.  
8 BETANCOURT?

9 MS. BETANCOURT: AS TO MR. MCLEOD'S STATUS, DOES THE  
10 COURT KNOW IF HE'S CURRENTLY IN THE EMERGENCY ROOM OR IF HE WAS  
11 EN ROUTE?

12 THE COURT: THAT'S WHAT I WAS TOLD. NO MARSHALS CAME  
13 IN HERE THIS MORNING BECAUSE HE'S NOT HERE, BUT I HEARD HE  
14 WASN'T BEING TRANSPORTED. THEY CAME TO EXPLAIN WHY, BECAUSE  
15 HE'S IN THE ER. I TOOK IT TO BE AS WE SPEAK.

16 MS. MORGAN: WE'LL FOLLOW UP WITH THE MEDICAL  
17 PERSONNEL.

18 THE COURT: I'M SORRY, I DON'T RECALL THE NAMES OF THE  
19 TWO MARSHALS THAT CAME IN, BUT MR. REYNA IN THE BACK CAN  
20 PROBABLY TELL YOU THEIR NAMES.

21 MS. MORGAN: WE HAVE CONTACTS FOR THIS.

22 THE COURT: SO THE MATTER'S GOING OVER FOR EVERYBODY  
23 HERE TO THE 23RD.

24 AT WHAT TIME, ALEX?

25 THE CLERK: 2:00 P.M.

1           THE COURT:   ON A MOTION HEARING, AN ISSUE THAT NEEDS TO  
2           BE RESOLVED BEFORE I CAN SENTENCE IN THIS MATTER.   SO IT WILL  
3           NOT BE A TIME WHEN YOU WOULD HAVE THE OPPORTUNITY TO ADDRESS  
4           THE COURT.   THAT DATE HOPEFULLY WILL BE SET ON THE 23RD, AND  
5           THAT MIGHT NECESSITATE -- IF YOU WOULD LIKE TO ADDRESS THE  
6           COURT IN PERSON, I DO HAVE SOME LETTERS ALREADY, SOME PEOPLE  
7           HAVE WRITTEN TO THE COURT, AND I HAVE READ ALL OF THOSE, BUT IF  
8           YOU'RE NOT ABLE TO COME BACK AND WANT TO ADDRESS THE COURT IN  
9           WRITTEN FORM, I CAN ASSURE ALL OF YOU THAT I READ ABSOLUTELY  
10          EVERYTHING.

11           I KNOW IT'S DIFFERENT WHEN EVERYBODY'S PRESENT, AND MR.  
12          MCLEOD IS NOT PRESENT, AND SOME OF YOU MAY WISH TO ADDRESS THE  
13          COURT IN PERSON WITH HIM PRESENT, AND IF YOU WISH TO DO THAT  
14          YOU ARE CERTAINLY ABLE TO DO SO, IF YOU CAN COME BACK.   I'M  
15          SORRY FOR THE INCONVENIENCE, BUT WHAT OCCURRED IS BEYOND  
16          ANYBODY'S CONTROL.

17           ANYTHING ELSE, MS. KAISER, MS. MORGAN, MS. BETANCOURT?

18          MS. KAISER:   NO, YOUR HONOR.

19          MS. MORGAN:   NO, YOUR HONOR.

20          THE COURT:   WE'LL BE IN RECESS.   THANK YOU.

21          (COURT WAS AT RECESS.)  
22  
23  
24  
25

C E R T I F I C A T E

I, GAYLE WAKEFIELD, CERTIFY THAT I AM A DULY QUALIFIED  
AND ACTING OFFICIAL COURT REPORTER FOR THE UNITED STATES  
DISTRICT COURT, THAT THE FOREGOING IS A TRUE AND ACCURATE  
TRANSCRIPT OF THE PROCEEDINGS AS TAKEN BY ME IN THE  
ABOVE-ENTITLED MATTER ON OCTOBER 13, 2015; AND THAT THE FORMAT  
USED COMPLIES WITH THE RULES AND REQUIREMENTS OF THE UNITED  
STATES JUDICIAL CONFERENCE.

DATED: FEBRUARY 22, 2016      /S/ GAYLE WAKEFIELD  
GAYLE WAKEFIELD, RPR, CRR  
OFFICIAL COURT REPORTER